

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION  
3:05-CR-00211-RJC-DCK**

**USA,**

**Plaintiff,**

**v.**

**TYRONE DAMON TERRY,**

**Defendant.**

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**ORDER**

**THIS MATTER** is before the Court upon the defendant's Notice of Appeal and Motion to Revoke Detention Order, pursuant to 18 U.S.C. § 3145(b). (Doc. No. 38).

The defendant was arrested on March 7, 2013, for allegedly violating the conditions of his supervised release. (Doc. No. 33: Petition). The defendant was detained by a magistrate judge after a hearing on March 12, 2013. (Doc. No. 36: Order). At the hearing, a United States Probation officer related information from a local police detective about the defendant's alleged involvement in an armed robbery related to the collection of a drug debt. Although the state charges resulting from the incident have been dismissed, the United States Probation officer found the defendant's alleged accomplice, a person with pending felony drug charges, at the defendant's residence a week before the incident. Additionally, the evidence showed that the defendant missed four drug tests in 2011 and tested positive for marijuana in 2012. In finding that there was a serious risk that the defendant will endanger the safety of any other person or the community, the magistrate judge noted that the defendant was on supervision for an 18 U.S.C. § 924(c) conviction, that he was associating with a prohibited person, that he was charged with

robbery and other offenses, and that he has a prior record of felony convictions and two probation violations. (Doc. No. 36).

A district court is required to make an independent, de novo determination when acting on a motion to revoke or amend a magistrate judge's pretrial detention order. United States v. Stewart, 19 F. App'x 46, 48 (4th Cir. 2001)(citing United States v. Rueben, 974 F.2d 580, 585-86 (5th Cir. 1992). However, a district court is not required to hold an additional evidentiary hearing as part of its review. United States v. King, 849 F.2d 485, 489-90 (11th Cir. 1988); United States v. Hare, 873 F.2d 796, 799 (5th Cir. 1989). After conducting its independent review, a district court may explicitly adopt the magistrate judge's order without making duplicate findings or may state additional reasons supporting pretrial detention. King, 849 F.2d at 490-91.

Here, the Court has carefully conducted a de novo review of the evidence presented before the magistrate judge and the entire record in this case. The Court finds the magistrate judge's factual findings and legal conclusions were correct, and, thus, adopts the magistrate judge's Order of Detention Pending Trial, (Doc. No. 36), in its entirety. While the Court is sympathetic to the defendant's medical needs, they do not outweigh the risk of danger posed by the defendant's release pending resolution of the alleged supervised release violations.

**IT IS, THEREFORE, ORDERED** that the defendant's Notice of Appeal and Motion to Revoke Detention Order, (Doc. No. 38), is **DENIED**.

The Clerk is directed to certify copies of this order to the defendant, counsel for the defendant, to the United States Attorney, the United States Marshals Service, and the United States Probation Office.

Signed: March 29, 2013

A handwritten signature in cursive script, reading "Robert J. Conrad, Jr.", written over a horizontal line.

Robert J. Conrad, Jr.  
Chief United States District Judge

